

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:22-cv-00846-SSS-KES

Date: September 11, 2023

Title: GERALD ASHFORD v. JAMES HILL, et al.

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PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR  
DEFENDANTS:  
None Present

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**PROCEEDINGS (IN CHAMBERS):**

**Order to Show Cause (“OSC”) why Case  
Should Not Be Dismissed for Failure to  
Prosecute**

On July 28, 2023, the Court ordered Plaintiff to file his Third Amended Complaint no later than August 25, 2023. (Dkt. 40.) As of the date of this Minute Order, Plaintiff has not filed a Third Amended Complaint. Plaintiff was warned that failing to file a timely Third Amended Complaint could result in the dismissal of his lawsuit. (Dkt. 40.)

Plaintiff shall show cause, if any he has, why this lawsuit should not be dismissed due to Plaintiff’s failure to file a Third Amended Complaint or request an extension before the August 25, 2023 deadline. Plaintiff may discharge this OSC by doing one of the following before **September 29, 2023**:

1. File a Third Amended Complaint that conforms with the Court’s prior orders limiting the claims and defendants (Dkt. 30, 40).
2. File a voluntary dismissal of those claims which Plaintiff received leave to amend. If Plaintiff chooses this option, then the Court will enter judgment against Plaintiff. After entry of judgment, Plaintiff can appeal the involuntary dismissal of his other claims.
3. File a written response to the OSC explaining why, despite reasonable diligence, Plaintiff filed neither a Third Amended Complaint nor an extension request before August 25, 2023, and stating when Plaintiff will file a Third Amended Complaint. If Plaintiff chooses this

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option, the Court may still dismiss Plaintiff's action if the Court concludes that Plaintiff has not acted diligently in prosecuting this lawsuit.

If Plaintiff does not respond to this OSC by September 29, 2023, this lawsuit will likely be dismissed for failure to prosecute.

Initials of Deputy Clerk JD